

Boston and vicinity, favoring the passage of H. Res. 5—to the Committee on Rules.

By Mr. MORRIS: Petition of Federated Trades and Labor Assembly, of Duluth, Minn., favoring the continued exclusion of Chinese laborers from the United States—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Brotherhood of Locomotive Fireman, of Richmond, Ind., favoring House bill 11060, to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

By Mr. POLK: Resolution of the Merchants' Protective Association, of Shamokin, Pa., for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of H. H. Hoagland Post, No. 170, of Catawissa, Pa., advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of Advance Grange of Fremont, Ind., against a subsidy to steamship lines—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Albert C. Alter, of Fort Wayne, Ind., in favor of House bill 10306, for the conversion of all forest reserves into game preserves—to the Committee on the Public Lands.

By Mr. RUPPERT: Resolutions of Theatrical Union No. 1 and International Association of Machinists No. 15, of New York City, N. Y., advocating the reenactment of the law excluding Chinese from the United States and its insular possessions—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Resolution of Carpenters' Union No. 97, of New Britain, Conn., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Stationary Firemen's Union No. 11, of Buffalo, N. Y., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, protest of Electrical Workers' Union No. 3, of New York City, against the passage of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of citizens of Herkimer County, N. Y., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to Committee on the Judiciary.

Also, resolutions of Machinists' Union No. 425, of Utica, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Machinists' Union No. 425, Utica, N. Y., to exclude Chinese laborers—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Petition of Van Curler Lodge, No. 90, of Schenectady, N. Y., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. HENRY C. SMITH: Petition of Order of Railway Conductors, Wolverine Division, No. 182, of Jackson, Mich., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of Carpenters' Union No. 124, of Derby, Shelton, and Ansonia, Conn., favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of Lithographers' Protective and Beneficial Association, in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolution of New York Plate Printers' Union No. 5, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also resolutions of District Lodge Union No. 15, Association of Machinists; Theatrical Protective Union No. 1; Plate Printers' Union No. 5; Association of Steam Fitters and Helpers, all of New York City, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of George I. Seabury, of National Association of Manufacturers, in favor of American merchant marine, a department of commerce, and an isthmian canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of International Association of Machinists' Union No. 15, of New York, advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of Interstate Commerce Law Convention, St. Louis, Mo., for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Resolution of United Brewery Workers' Union No. 178, of Sioux City, Iowa, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, petition of United Brewery Workers' Union No. 178, of Sioux City, Iowa, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Paullina and Calhoun County, Iowa, for the passage of House bill 10295, for the suppression of train robbers—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany House bill for the relief of the estate of B. L. Robinson—to the Committee on War Claims.

By Mr. WOODS: Resolution of board of governors of the Commercial Club of Salt Lake City, Utah, for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

Also, resolution of Sailors' Union of the Pacific, San Francisco, Cal., relative to seamen's clause in proposed bill for exclusion of Chinese laborers—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, February 27, 1902.

The Senate met at 11.45 o'clock a. m.

The Journal of the proceedings of Tuesday last was read and approved.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

The PRESIDENT pro tempore. The Chair desires to say that on Monday last he requested the clerks not to call the names of the two Senators from South Carolina, they being by a resolution of the Senate in contempt of the body. On Tuesday he requested the clerks to read the names in the event there was a roll call. He did this not because he doubted in the least the propriety of the action he took on Monday. He did it because he recognized that it was a grave question, and he preferred to be in a position where, if it again arose, it could be by him submitted to the decision of the Senate and thus relieve the Chair from the responsibility.

The Chair on Tuesday morning noticed by the Journal that the Senator from Washington [Mr. TURNER] entered an appeal to one of his decisions. In the confusion in the Senate at the time and owing to the cloud of points of order that were raised and to the fact that the Senator from Washington gave the Chair no opportunity at the time to state the appeal to the Senate, but proceeded to address the body, he forgot entirely the appeal. He begs the pardon of the Senator from Washington for that forgetfulness, and wishes to assure him that if the Chair should deliberately refuse to entertain at any time, when it was properly made, an appeal, he never could pardon himself.

PROTEST OF SENATOR B. R. TILLMAN.

The PRESIDENT pro tempore. The senior Senator from South Carolina [Mr. TILLMAN] sent a note yesterday to the President of the Senate in which he asked that he might be heard on a question of the highest privilege. The Chair had informed the Senator from South Carolina that he could not recognize him until he had been relieved from the contempt declared by the Senate resolution. Thereupon the Senator, in his note, asked that the consent of the Senate might be obtained that he rise to such a question. While the Chair doubts the propriety of that request, he gives the Senator from South Carolina the benefit of the doubt and asks unanimous consent that at some other time, on tomorrow, he may be heard. Is there objection?

Mr. TURNER and Mr. BURROWS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. TURNER. I think it is proper, since the President pro tempore has made this statement to the Senate, that I now take this opportunity to present to the Senate and ask to have spread upon the record the protest of the senior Senator from South Carolina on the action of the President pro tempore and to which the Chair has just referred. In this connection, I wish to say that I endeavored to present this protest at the time the action was taken to which the President pro tempore has referred, and was prevented from doing so by a question of order. Later on, after the voting had ceased on the bill then pending before the Senate, I endeavored again to present the protest and was taken off the floor, while endeavoring to do so, by a motion of the senior Senator from Massachusetts [Mr. HOAR] to proceed to the consideration of executive business. Since that time there have been two adjournments of the Senate soon after meeting, which have prevented me from performing this duty, and I now beg leave to perform it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington that the protest may be printed in the RECORD?

Mr. BURROWS. Mr. President—

Mr. TURNER. No, Mr. President; I have consulted the precedents somewhat. I find that this practice of protests originated

in the House of Lords, and that it is laid down by the commentators upon parliamentary law that it is the uniform custom in the United States, which has been exemplified, I believe, in this body on more than one occasion, that any member shall have the right to present a written protest either when he thinks his rights have been invaded or when the Constitution or laws of the country have been invaded. I insist that it shall be spread upon the records of the Senate, just what I asked to be done.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Washington is right in his contention, and it will be printed in the RECORD as a protest. Is there objection to the request made by the Senator from South Carolina?

Mr. BURROWS. Mr. President, while there may be an occasion when I may make no objection to it, yet at this time I shall be obliged to object.

The PRESIDENT pro tempore. The Senate will receive a message from the President of the United States.

[The message from the President appears later in the proceedings.]

Mr. TURNER. I did not catch the sense of the remark made by the Senator from Michigan, but I am told by those around me that he has objected to the reception of the protest.

Mr. BURROWS. No.

The PRESIDENT pro tempore. No.

Mr. BURROWS. Not at all.

The PRESIDENT pro tempore. He has objected to the request of the Senator from South Carolina. The protest will be printed in the RECORD, and it will be spread on the Journal at the same time. That was the request of the Senator, the Chair thinks.

The protest is as follows:

The undersigned, holding a commission in this body from the sovereign State of South Carolina, as one of its Senators, and having been in the full and undisputed exercise of that high office for seven years last past, solemnly protests against the ruling of the Presiding Officer sustained by the vote of a majority of the Senate, depriving him of the right as such Senator to vote on the pending measure and to take part generally in the proceedings of the Senate, and he respectfully asks that this, his protest, may be spread on the Journals of the Senate.

The office of Senator of the United States is a high constitutional office. Section 3 of Article I of the Constitution declares:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote.

I respectfully insist that a right and duty is here conferred and imposed on each Senator, and that so long as he remains a member of the Senate he can not be deprived of that right and duty. He may be punished for disorderly behavior by a majority vote of the Senate, and he may be expelled from the Senate by a two-thirds vote. This is declared by the second clause of section 5, Article I, of the Constitution, but the right to punish for disorderly procedure can not proceed to the extent of depriving him of his voice and vote in this body unless and until the punishment against him shall have been adjudged to be one of expulsion. While it is true that the undersigned has been adjudged to be in contempt of the Senate for disorder committed in its presence on the last legislative day before this, an act committed in the heat of blood and which he regrets and has apologized for, that incident has passed and gone and he is now in his place as a Senator, desirous of proceeding in order and in accordance with the rules of the Senate in the performance of the high duties intrusted to him by the authority and under the seal of the State of South Carolina. The second section of Rule XIX of this body, which provides that a Senator called to order for transgressing the rules of the Senate shall sit down and not proceed without leave of the Senate, is a rule to secure the orderly conduct of debate, and its direction that a Senator called to order shall sit down and not proceed without leave of the Senate has relation to the debate then immediately progressing and nothing else.

Such has been its uniform construction and application, and the attempt now to stretch it so as to indefinitely disqualify Senators from performing their duties here, even to the extent of depriving them of the right to vote, is an invasion of the privilege of Senators and a grave breach of the constitutional right of each State to equal representation in this body. Under such a construction of that rule the majority may force a cloture in this body by simply declaring each member of the minority in contempt. Under such a construction, moreover, a minority may be transformed into a majority, if, taking advantage of the accidental absence of majority members, the minority, being temporarily in the majority, shall declare a sufficient number of majority members to be in contempt. The rule in question was never intended for such a purpose and ought not to be given a construction which can make such a result possible.

In making this protest the undersigned is not moved by con-

siderations personal to himself. He is not restive under the just discipline of this body. He is ready to cheerfully accept such order as it may make for the vindication of its rights and its dignity. But until that order shall have been made, and until it shall have adjudged his expulsion, if the Senate thinks his offense merits that punishment, he can not silently permit his State to be deprived of its full constitutional representation on the floor of this Chamber, which is most notably exemplified in its right through its Senators to vote and speak upon every measure before it. All of which is respectfully submitted for the consideration of the Senate.

B. R. TILLMAN,
Senator from South Carolina.

Mr. HOAR. I think the protest should also be referred to the Committee on Privileges and Elections and be before them with the other matters to be disposed of. I make that request.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the protest be referred to the Committee on Privileges and Elections.

Mr. TURNER. If the protest be spread upon the Journal of the Senate, of course—

The PRESIDENT pro tempore. That has been ordered.

Mr. TURNER. I have no objection to the reference.

The PRESIDENT pro tempore. Without objection, the protest will be referred to the Committee on Privileges and Elections.

Mr. BACON. Mr. President, I have not looked into the precedents in this matter. Therefore, of course, I am in a position to be corrected by Senators. I hope the Chair will withhold the ruling that there is no objection. We may not be able to pass upon this matter right now.

It occurs to me, without having an opportunity to examine it, that the matter of protest is not one for the action of the body at all. It is a protest which is final in its character, so far as that particular document is concerned.

Mr. HOAR. The Senator from Georgia is not heard in this part of the Chamber.

Mr. BACON. I beg the Senator's pardon. I was simply saying that I have not had the opportunity to look into the precedents as to whether a protest which had been received by the body and spread upon its minutes was thereafter a matter for reference to a committee as if it were something which required further action.

I thought the time was so short now that we could not possibly look into that matter to-day, and I simply asked, without assuming to suggest a final conclusion on the subject, that the Chair withhold the announcement which he was about to make, and in fact had made, that there was no objection to the request for a reference. There may be none; I am not prepared to say that there will be any; but certainly it is a very important matter as a precedent as to whether a protest, after it has been received by the body and ordered to be spread both upon the Journal and in the CONGRESSIONAL RECORD, is a subject thereafter for reference as a bill or resolution would be, or any matter which required further action.

I repeat, Mr. President, in order that I may not be misunderstood, I have not had the opportunity to examine the question and I do not wish to express a final conclusion on the matter, but I think in view of the present emergency it ought to go over and be determined hereafter.

Mr. HOAR. Mr. President, it seems to me that the protest is in the nature of a petition, and that respect for it is manifested by any act which implies further respectful consideration. So the reference to a committee is not a matter of disrespect, but of high respect to the protest. Otherwise, though the occurrence of its presentation is spread upon the Journal, the Senate treats it with absolute silence and disregard. I suppose any document in the possession of the Senate, a petition, a bill, a resolution, or other document, may be referred to one of its committees for consideration. The resolutions of State legislatures are frequently so referred, though they are not petitions, and various protests of commercial bodies. Even essays are not infrequently presented here and printed as documents and then referred to committees.

I do not wish to make any point if the Senator from Georgia has grave doubts, but I suppose that to receive the protest with no further notice would be a mark of disrespect to the gentleman who has presented it.

Mr. BACON. I hope it may go over. That is all I ask now, Mr. President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 910) to extend the time for the completion of a bridge across the Missouri River; and